

## REMARKS

By this amendment, claim 9 is canceled. Claims 1 and 5 have been amended. Claims 1-8 and 10 remain in the application. Support for the amendments to the claims can be found in the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is respectfully requested.

### **Allowable Subject Matter**

Claim 9 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Allowability of claim 9 is noted with appreciation. In lieu of rewriting claim 9, applicant has amended claim 5 to include the limitations of original claim 9. Accordingly, claim 5 is in prima facie condition for allowance. Claim 9 has been cancelled herein. Accordingly, withdrawal of the objection is requested.

### **Rejection under 35 U.S.C. §102**

Claim 1 recites:

a method for identifying an item to which a radio frequency tag is attached by means of a radio frequency tag detector, wherein radio frequency contact is established between the tag and the detector and information identifying the item and being stored by the tag is received by the detector, the method being characterized in that it comprises the steps of:

mapping a unique item identifier against the information stored by the tag and received by the detector; and

presenting the unique item identifier for a user of the detector, the method further comprising housing items to which a radio frequency tag is attached in a holder, wherein the holder includes a plurality of slots, each slot comprising a

radio frequency detector and a selecting means for indicating to a first means which item is to be identified and presented by a second means, the holder being arranged with a displaying device comprising said first means and said second means.

Support for the amendment to claim 1, can be found in the specification as originally filed on at least page 5, lines 26-34; and page 6, lines 1-4.

Claims 1, 3-5, 7 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ruppert et al (US 5,640,002 - hereinafter "Ruppert"). With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that

*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claim 1, to sustain this rejection the Ruppert reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the Ruppert reference, the latter reference does not disclose "housing items to which a radio frequency tag is attached in a holder, wherein the holder includes a plurality of slots, each slot comprising a radio frequency detector and a selecting means for indicating to a first means which item is to be identified and presented by a second means, the holder being arranged with a displaying device comprising said first means and said second means" as is claimed in claim 1.

Therefore, the rejection is not supported by the Ruppert reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested.

Dependent claims 3 and 4 depend from and further limit independent claim 1 and therefore are allowable as well.

With respect to Claim 5, as indicated hereinabove with respect to allowable subject matter, Claim 5 has been amended to include the limitations of Claim 9. Accordingly, Claim 5 is allowable and an early formal notice thereof is requested. Dependent claims 7 and 10 depend from and further limit independent claim 5 and therefore are allowable as well.

Claims 1-2 and 5-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Catan (US 2002/0143860 A1 - hereinafter "Catan"). With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

With respect to claim 1, to sustain this rejection the Catan reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the Catan reference, the latter reference does not disclose "housing items to which a radio frequency tag is attached in a holder, wherein the holder includes a plurality of slots, each slot comprising a radio frequency detector and a selecting means for indicating to a first means which item is to be identified and presented by a second means, the holder being arranged with a displaying device comprising said first means and said second means" as is claimed in claim 1.

Therefore, the rejection is not supported by the Catan reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Dependent claim 2 depends from and further limits independent claim 1 and therefore

is allowable as well.

With respect to Claim 5, as indicated hereinabove with respect to allowable subject matter, Claim 5 has been amended to include the limitations of Claim 9. Accordingly, Claim 5 is allowable and an early formal notice thereof is requested. Dependent claim 6 depends from and further limits independent claim 5 and therefore is allowable as well.

### **Rejection under 35 U.S.C. §103**

Claims 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Catan (US 2002/0143860) in view of Kreiner et al. (US Pat. 7,032,820 - hereinafter "Kreiner").

With respect to claim 8, application respectfully traverses this rejection for at least the following reasons. Dependent claims 8 depends from and further limits independent allowable claim 5 and therefore is allowable as well. Accordingly, the 35 U.S.C. § 103(a) rejection thereof has now been overcome.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1 and 5 are in condition for allowance. Dependent claims (2-4) and (6-8 and 10) depend from and further limit independent claims 1 and 5, respectively, therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-8 and 10 is requested.

Respectfully submitted,



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Dated: 8/7/06

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a-32658.110